

# State of Idaho

## Department of State

### CERTIFICATE OF INCORPORATION OF

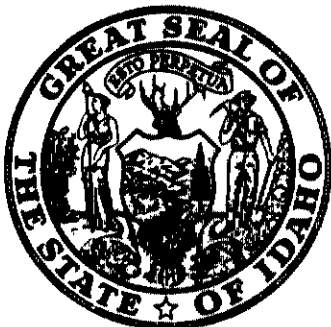
EASTLAND PARK HOMEOWNERS ASSOCIATION, INC.

File number C 106222

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of EASTLAND PARK HOMEOWNERS ASSOCIATION, INC. duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated: May 5, 1994



*Pete T. Cenarrusa*  
SECRETARY OF STATE

By *[Signature]*

RECEIVED  
SEC. OF STATE

**ARTICLES OF INCORPORATION**

**OF**

**EASTLAND PARK HOMEOWNERS ASSOCIATION, INC.**

IDAHO SECRETARY OF STATE  
19940505 0900 77817 2  
EX #: 1119 CUST# 3523  
COMP 10 100.00= 100.00

C

#:

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, each being a natural person of full age, voluntarily and do hereby associate ourselves together for the purpose of forming a nonprofit corporation under the laws of the State of Idaho, Idaho Code Title 30, Chapter 3. We do hereby certify, declare and adopt the following Articles of Incorporation.

**ARTICLE I. NAME**

The name of the corporation is: EASTLAND PARK HOMEOWNERS ASSOCIATION, INC.

**ARTICLE II. DURATION**

The period of existence and duration of the life of this corporation shall be perpetual.

**ARTICLE III.**

This corporation shall be a nonprofit membership corporation.

**ARTICLE IV. OBJECTS AND PURPOSES**

The object and purposes for which the corporation is organized are as follows:

(a) To accept, own, operate and maintain roads, recreation and common areas for the persons living or owning properties in EASTLAND PARK HOMEOWNERS ASSOCIATION, INC., located

in Twin Falls County, Idaho, together with all improvements of whatever kind and for whatever purposes which may hereafter be constructed in connection with said roads or located in said areas; and to accept, own, operate and maintain all other property, real and personal, conveyed or leased to the corporation.

(b) To make, establish and promulgate, and to amend or repeal and reenact, rules covering any and all aspects of the corporation's functions and operations, including the use and occupancy of the corporation property, the setting of dues and fees, and prescribing the regulations governing the operation of corporation property.

(c) To enforce, in its own behalf and in behalf of all members of the corporation, all of the terms and provisions of the Declaration of Covenants, Conditions and Restrictions for EASTLAND PARK HOMEOWNERS ASSOCIATION, INC., Twin Falls County, Idaho (the Declaration) and any supplemental declarations or amendments thereto; and to perform all other acts as may be reasonably necessary to enforce and carry out any of the terms and provisions of the Declaration and of the environmental control committee's rules.

(d) With the affirmative vote of not less than two-thirds of the eligible votes of the members as hereinafter defined, to borrow money and execute mortgages, deeds of trust, bonds, and other security instruments, both construction and permanent, for construction of roads, facilities and improvements on property

owned by or leased to the corporation, and to accept lands in recreation, common and open space areas, whether or not improved, subject to such mortgages and deeds of trust.

(e) To grant and convey to any person real property and interests therein, including fee title, leasehold estates, easements, rights of way, mortgages and deeds of trust, out of, in, on, over, or under any property owned in fee by the corporation for the purpose of constructing, erecting, operating or maintaining thereon, therein or thereunder parks, parkways, or other recreational facilities, roads, streets, walks, driveways, trails, and paths, lines, cables, wires, conduits, pipelines or other devices for utility purposes, sewers, storm water drainage systems, and pipelines; and any similar improvements or facilities.

(f) To pay for water, sewer, garbage removal, electricity, telephone, gas, snow removal, landscaping, gardening, and all other utilities, services and maintenance for the properties of the corporation.

(g) To obtain and pay for other property and services, and to pay any taxes or assessments which the corporation is required to secure or to pay.

(h) To enter into contracts to operate and maintain roads, common areas, and recreational and other facilities and areas.

(i) To open and establish all bank accounts, savings accounts, and other accounts or contracts which are necessary for the day-to-day operations of the association.

(j) To carry out all duties of the corporation as set forth in the Declaration: to engage primarily in promoting the common good and general welfare of all persons who reside in or own property in EASTLAND PARK HOMEOWNERS ASSOCIATION, INC., and to do all things and perform all acts necessary or desirable in connection with the foregoing objects and purposes or authorized to be done pursuant to the nonprofit corporation laws of the State of Idaho.

#### **ARTICLE V. RESTRICTIONS**

(a) No part of the income or net earnings of the corporation shall inure to the benefit of, or be distributable to, any member, director or officer of the corporation or any other private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its objects and purposes, and reimbursement may be made for any expenses incurred for the corporation by any officer, director, agent or employee, or any other person or corporation, pursuant to and upon authorization of the Board of Directors); and provided further, that no member, director or officer of the corporation or any other private individual shall be entitled to share in any distribution of any of the corporate assets on dissolution of the corporation or otherwise. The corporation shall not participate

or intervene in any political campaign on behalf of or in opposition to any candidate for public office.

(b) No part of the assets of the corporation shall inure to the benefit of or be distributable to any organization whose income or net earnings or any part thereof inure to the benefit of any private shareholder or other individual.

(c) Upon dissolution of the corporation, all of its assets shall be paid over or transferred to one or more exempt organizations of the kind described in Section 501(c) of the Internal Revenue Code of 1986, as amended from time to time.

(d) Notwithstanding any other provisions hereof, this corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by any organization which is tax exempt under the provisions of Section 501(c)(4) of the Internal Revenue Code of 1986, as amended from time to time.

#### **ARTICLE VI. MEMBERSHIP**

Section 1. Every owner of a lot which is subject to assessment shall be a member of the association. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment. In addition, the three original members of the Board of Directors of the association shall be members if they are not already lot owners; but only until such time as they are replaced. Each shall be entitled to one vote.

Section 2. Every lot owner shall be entitled to one vote for each lot owned. When more than one person holds an interest

in any lot, all such persons shall be members but in no event shall a group of owners be allotted more than one vote per lot.

Section 3. Each member shall be entitled to the use and enjoyment of the common area and facilities as provided in the Declaration. Any member may delegate his rights of enjoyment of the common area and facilities to members of his family who reside with him or to his tenants or contract purchasers who reside on his lot provided that no member shall be reimbursed for any privilege which he may delegate or grant to others by virtue of his membership, if any.

#### **ARTICLE VII. INITIAL REGISTERED OFFICE AND AGENT**

The address of the initial registered office of the corporation is 1020 Main Street, Buhl, Idaho 83316, and the name of the initial registered agent as such address is Michael Harland Felton of the firm Felton & Felton.

#### **ARTICLE VIII. BOARD OF DIRECTORS**

The affairs of this association shall be managed by a board of not less than three directors who need not be members of the association. The number of directors may be changed by amendment of the bylaws of the association. The names and address of the persons who are to act in the capacity of directors until the selection of their successors are:

##### **NAME**

##### **ADDRESS**

H. Peter Jacobs

2069 Falls Avenue East  
Twin Falls ID 83301

2069 Falls Avenue East  
Twin Falls ID 83301

1840 Candleridge Road  
Twin Falls ID 83301

## ARTICLE IX. INCORPORATOR

The name and address of the incorporator is Michael Harland Felton, 1020 Main Street, Post Office Box 589, Buhl, Idaho 83316.

EXECUTED This 30<sup>th</sup> day of April, 1994.

  
MICHAEL HARLAND FELTON

STATE OF IDAHO )  
 ) ss  
County of Twin Falls )

On this 20<sup>th</sup> day of April, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MICHAEL HARLAND FELTON, known to me to be the person whose name is subscribed to the foregoing instrument as the incorporator of EASTLAND PARK HOMEOWNERS ASSOCIATION, INC., and acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

M. Christine Johnson  
Notary Public for State of Idaho  
Residing at Buhl, Idaho  
My Commission Expires: 4-21-2005.